

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James and Lorie Jensen, as parents, guardians and next friends of Bradley J. Jensen; James Brinker and Darren Allen, as parents, guardians and next friends of Thomas M. Allbrink; Elizabeth Jacobs, as parent, guardian and next friend of Jason R. Jacobs; and others similarly situated,

Civil No. 09-1775 (DWF/FLN)

Plaintiffs,

v.

ORDER AND MEMORANDUM

Minnesota Department of Human Services, an agency of the State of Minnesota; Director, Minnesota Extended Treatment Options, a program of the Minnesota Department of Human Services, an agency of the State of Minnesota; Clinical Director, the Minnesota Extended Treatment Options, a program of the Minnesota Department of Human Services, an agency of the State of Minnesota; Douglas Bratvold, individually, and as Director of the Minnesota Extended Treatment Options, a program of the Minnesota Department of Human Services, an agency of the State of Minnesota; Scott TenNapel, individually and as Clinical Director of the Minnesota Extended Treatment Options, a program of the Minnesota Department of Human Services, an agency of the State of Minnesota; and State of Minnesota,

Defendants.

Margaret Ann Santos, Esq., Mark R. Azman, Esq., and Shamus P. O'Meara, Esq., O'Meara Leer Wagner & Kohl, PA, counsel for Plaintiffs.

P. Kenneth Kohnstamm and Steven H. Alpert, Assistant Attorneys General, Minnesota Attorney General's Office, counsel for State Defendants.

Samuel D. Orbovich, Esq., and Christopher A. Stafford, Esq., Fredrikson & Byron, PA, counsel for Defendant Scott TenNapel.

The Court has received and independently reviewed the attached invoice of Independent Consultant and Monitor David Ferleger and separate detailed time and expense records. Those same documents have been provided to the parties and the Defendants have filed an objection with the Court by letter of February 19, 2013. The Court has reviewed and considered the objection.

Based upon the submissions of David Ferleger, including an objection made by the Defendants, the Court having reviewed the status of the file in the context of its procedural history, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

1. The Minnesota Department of Human Services ("MDHS") is respectfully ordered to issue a check to David Ferleger in the amount of \$13,753.86.

2. Consistent with the memorandum attached hereto, the Court respectfully directs the parties to submit within 14 days a proposed budget for David Ferleger that also addresses his role. In the event that the parties are unable to agree to the scope of the role and responsibilities of Mr. Ferleger and/or a budget, the Court will enter an order upon receipt of the submissions of counsel and a response from David Ferleger.

Dated: March 19, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

MEMORANDUM

The Court's Order is not intended to be tantamount to approving a budget in this matter, irrespective of the role of David Ferleger. The Court expects the parties to negotiate and discuss the budget issues. By this Order, the Court has neither approved nor disapproved the proposed budget by either David Ferleger or MDHS. Absent agreement of the parties, the Order directs the respective parties to submit any budget proposal to the Court, given the role of Mr. Ferleger either agreed to by the parties or ordered by the Court, along with a proposed budget.

D.W.F.